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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/796,714 | 03/09/2004 | James Richard Warner | Warner6 | 1790 |

7590 07/31/2006

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| EXAMINER |
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LE, TAN

| ART UNIT | PAPER NUMBER |
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3632

DATE MAILED: 07/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/796,714

Applicant(s)

WARNER, JAMES RICHARD

Examiner

Tan Le

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11 and 12 is/are rejected.
- 7) ☒ Claim(s) 13 and 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action is responsive to Applicant's amendment filed 05/09/06. This application contains 4 claims numbered 11-14. Claims 1-10 have been canceled. Claims 11-14 have been added

Claim Objections

Claim 13 (lines 2-3) is objected to because of the following informalities: The recitation of "the bookstand comprising: a cylindrical tube having opposite first and second openings" as recited in lines 2-3 appears to be redundant and it should be deleted.

Also claim 14, "said" (line 2) should be deleted. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

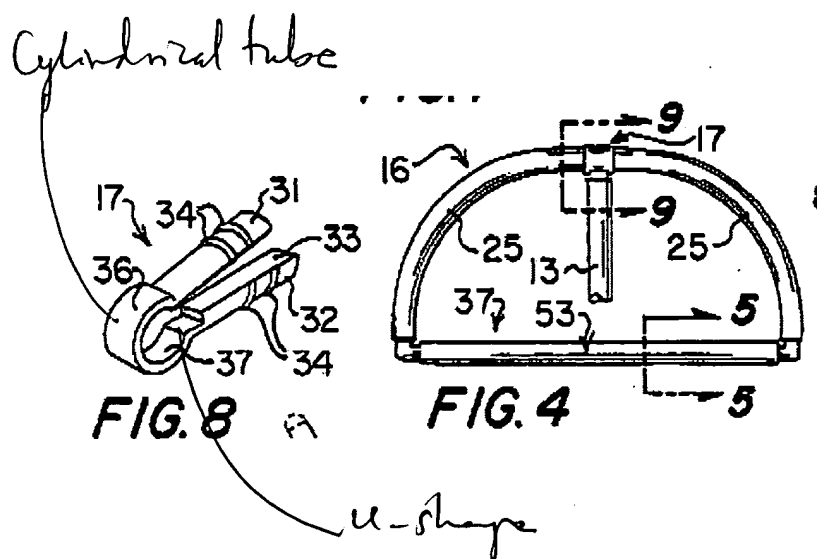
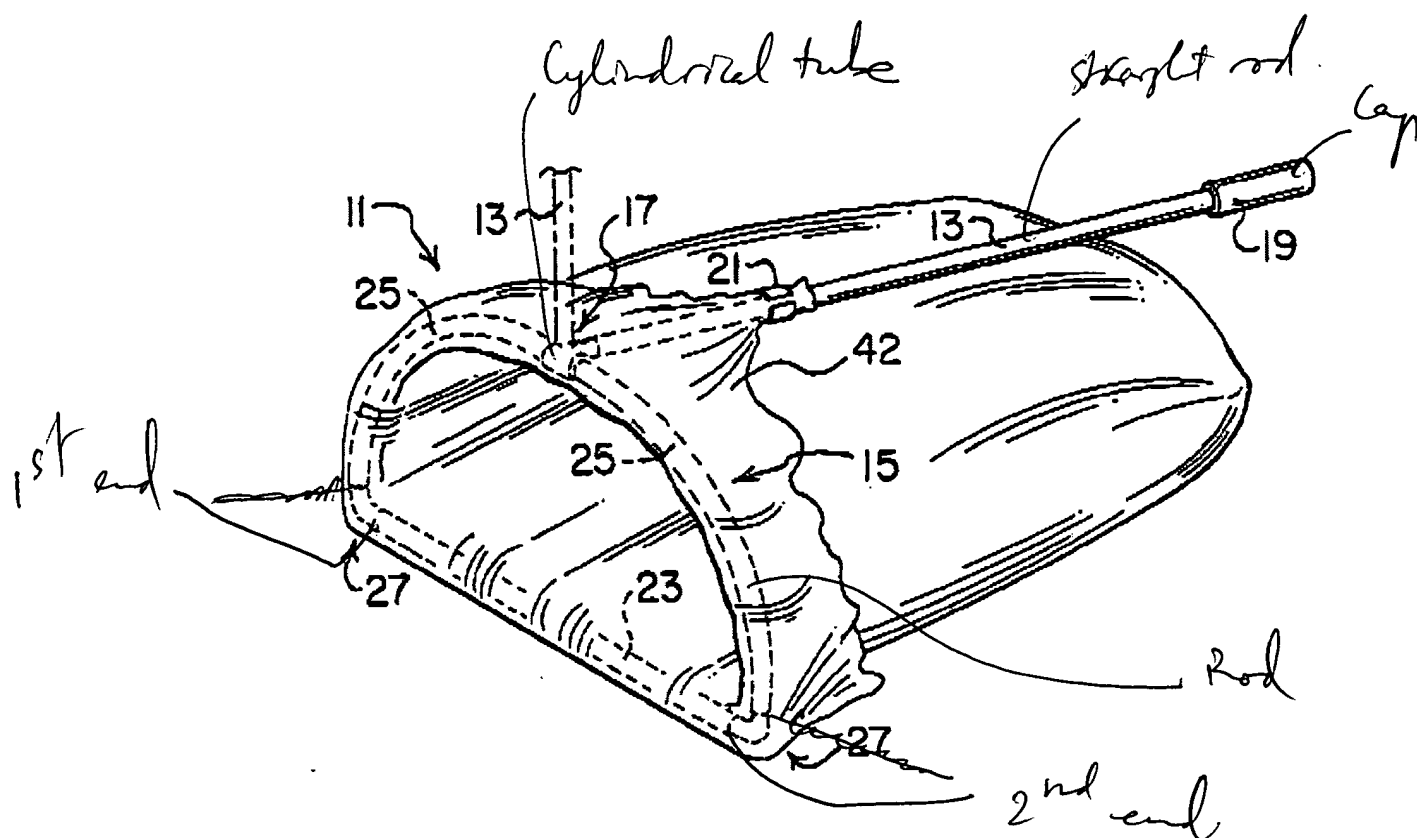
Claims 11-12 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 5,413,394 to Mitchell.

Claim 11 reads on Mitchell as follows: a cylindrical tube (17 generally) having opposite first and second openings (see marked-up copy below); a rod (25) having first

Art Unit: 3632

and second ends whereby said rod is inserted through the cylindrical tube whereby said rod form a generally C-shape side support arms that extends out of the ends of said cylindrical tube equal distance and whereby said rod first and second ends form a curved shape (see marked-up copy) that is capable of holding the back binding of a book in an angled position, whereby said back binding of a book is supported against the said generally C-shape support arms and said cylindrical tube; a straight rod (13) permanently attached at equal distance from said cylindrical tube ends forming a T-shaped whereby said straight rod forms a rear support arm.

As to claim 12, Mitchell also discloses the device that can be made of a metallic material such as aluminum or steel (col. 4, 43-46).



Allowable Subject Matter

Claims 13-14 are objected to but would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims and with the suggestion below:

Note that claims 13-14 can be arguably rejected under 102 (b) as being anticipated by Mitchell. However, the examiner recommends that claim 11 will be favourably allowable if claim 11 is rewritten as suggested below.

The following claim 11 is drafted by the examiner and considered to distinguish patentably over the art of record in this application, and is presented to applicant for consideration:

Claim 11 (suggested): A bookstand for holding hard back books in an angled position for the purpose of study, the bookstand comprising:

a cylindrical tube having opposite first and second openings;

a rod having first and second ends whereby said rod is inserted through the cylindrical tube, said rod forms an U-shape side support arms that extends out of the ends of said cylindrical tube equal distance and said rod first and second ends form a curved shape to hold the back binding of a book in an open position, whereby said back binding of a book is supported against the said U-shape support arms and said cylindrical tube;

a straight rod permanently attached at equal distance from said cylindrical tube ends forming a T-shaped whereby said straight rod forms a rear support arm for said bookstand in the open position for study, wherein one opening end of the cylindrical

Art Unit: 3632

tube has an amount of material removed in the form of a U-shape along the length of the cylindrical tube defining a hollow locking mechanism whereby one of the two rod side support arms bears against in said U-shape hollow locking mechanism allowing a limited 80- degree rotation of said T-shape from the said side support arms.

Response to Arguments

Applicant's arguments with respect to claims 11-14 have been considered but are moot in view of the new ground(s) of rejection. The new ground of rejection is necessitated by Applicant's amendment presented in this Office action.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

391,608 to Hartwell

1,421,595 to Smith

Smith teaches an easel for florists' use; Hartwell teaches an extension easel.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

Art Unit: 3632

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Le whose telephone number is (571) 272-6818. The examiner can normally be reached on Mon. through Fri. from 9:00 AM-6:00 PM.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Tan Le
July 18, 2006